

SECTION 9. That Article IX, "Gas Code", is hereby repealed and re-enacted with amendments as follows:

ARTICLE IX. GAS CODE

DIVISION 1. GENERALLY

Sec. 5-171. Definitions.

Except as specifically set forth below and in Section 5-68, terms as used in this Article shall have the same definitions as the International Code Council (ICC) International Fuel Gas Code, 2009 Edition, and National Fire Protection Association 51, 54, and 58.

Administrative authority means the City Manager and the City Manager's designees and duly authorized agents.

Approved means accepted or acceptable under an applicable specification stated or cited in this Article and/or the ICC International Fuel Gas Code, 2009 Edition, or accepted as suitable for the proposed use under procedures and powers of the administrative authority. Oral approval by the administrative authority or his duly authorized agents shall constitute full and complete approval irrespective of the ICC International Fuel Gas Code, 2009 Edition for written approval, except under circumstances where the master plumber or master gasfitter specifically request the same be in writing.

Gas company means the utility company supplying gas.

Gasfitting means the work, beginning at the outlet of a meter, of putting together and installing piping systems which are to contain gas, including fixtures, attachments, and appurtenances; and the maintenance, repair and alteration of the systems, fixtures and appliances.

Sec. 5-172. Scope.

The provisions of this article apply to gasfitting from the outlet of a meter up to and including all appliances and their appurtenances.

Secs. 5-173 – 5-180. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 5-181. Permits for gasfitting--Required, application.

(a) No person shall do, or cause to be done, any gasfitting, except as hereinafter otherwise provided, without first obtaining a permit therefor from the administrative authority. Such permit shall be issued to a licensed plumber or licensed gasfitter except as provided elsewhere in this article.

(b) Application for a permit shall be made in such form as the administrative authority shall prescribe and shall be accompanied by such plans, specifications, or other information as the administrative authority shall require to assure compliance with this article.

(c) No permit shall be required for adjustments to appliances, replacement of parts and repairing of leaks or of work performed by the gas company on any of its facilities, but such work shall be done only by a person permitted by section 5-203 to do gasfittings, and shall be done in accordance with this article.

Sec. 5-182. Same--Fees.

Fees for permits for gasfitting shall be as established by resolution of the Mayor and Council.

Sec. 5-183. Emergency repairs.

When observation by a person permitted by section 5-203 to do gasfitting discloses the necessity to correct leakage of any portion of the gas company's distribution system within the premises up to and including the meter, such person may make necessary temporary repairs without a permit, but must notify the gas company and the administrative authority immediately upon the completion of such temporary repairs.

Sec. 5-184. Unsafe conditions.

Upon written notice to the owner, or user, by the administrative authority, unsafe gas installations or any parts thereof shall be placed in a safe condition or use be discontinued within the time specified in such notice.

Sec. 5-185. Inspection, testing and approval--Generally.

(a) No gas piping system, including fixtures, appliances, attachments and appurtenances, which is hereafter installed, altered, or repaired in such manner that a permit is required therefor by this division, shall be put in service until it has been found acceptable by the administrative authority. Such system shall not be found acceptable by the administrative authority until it is tested in accordance with procedures established by the administrative authority to ensure that it is gastight and that all controls, if any, operate properly under normal conditions and unless inspection shows that it complies with all pertinent provisions of this article and any other applicable law, ordinance or regulation.

(b) The equipment, material and labor necessary for an inspection or test shall be furnished by the person by whom the inspection is requested.

Sec. 5-186. Same--Notice to City.

Where gasfitting is ready for inspection, the person who did such gasfitting or caused it to be done shall request an inspection by the Division of Inspection Services, following the procedure set by the Division for requesting and scheduling inspections.

Sec. 5-187. Same--Fee for additional inspection.

Where an additional inspection under this division is made necessary by failure to complete or properly perform the work inspected, or by failure of work tested to withstand tests, such additional inspection shall not be made until the person requesting such inspection shall pay to the administrative authority the fee established by resolution.

Secs. 5-187 – 5-195. Reserved.**DIVISION 3. TECHNICAL STANDARDS****Sec. 5-196. International Fuel Gas Code, 2009 Edition, and National Fire Protection Association Codes, 51, 54, and 58, --Adopted.**

The International Code Council (ICC) International Fuel Gas Code, 2009 Edition, and National Fire Protection Association (NFPA) Codes 51, 54, and 58, as modified herein, is hereby adopted as the fuel gas code for the City. Additionally elevated pressure gas systems (two (2) PSIG and above) shall be installed in accordance with the guidelines for Copper Tubing Natural Gas Systems, published by the Washington Gas Light Company. One (1) copy of such publication as adopted shall be maintained by the City Clerk in the office of the Council and made available for inspection by the public during regular office hours. Any amendment or change in such publication promulgated by the International Code Council shall not become a part of this article until adopted by ordinance. References to other ordinances and codes of the City shall be interpreted and applied in accordance with the terms and effect of such ordinances and codes at the time of such application and interpretation.

Sec. 5-197 Same-Amendments

The ICC International Fuel Gas Code, 2009 Edition (IFGC), is amended in the following respects:

Section 101.1 of the IFGC is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fuel Gas Code of the City of Rockville*, hereinafter referred to as "this code".

Section 101.2 of the IFGC is amended to read as follows:

101.2 Scope. This code shall apply to the installation of fuel-gas piping systems, fuel-gas utilization equipment, gaseous hydrogen systems and related accessories in accordance with Sections 101.2.1 through 101.2.5, NFPA 51, NFPA 54 and NFPA 58.

Exceptions: Detached one- and two-family dwellings and multiple single-family structures (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

Section 106.5.3 of the IFGC is amended to read as follows:

106.5.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit does not continue to progress or is abandoned for a period of six (6) months after the last approved/valid inspection. Before such work recommences, a new permit shall be first obtained and the appropriate fees shall be paid.

The fees shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work.

Section 106.5.4 of the IFGC is amended to read as follows:

106.5.4 Extension. The code official can extend the time for action by the permittee if there is reasonable cause. A permittee holding an unexpired permit shall have the right to apply for an extension, in writing, for time to complete such work. The extension shall be requested for a justifiable cause. A permit shall not be extended more than once.

Section 106.6.2 of the IFGC is amended as follows:

106.6.2 Fee Schedule: The fees for fuel gas work shall be as established by resolution of the Mayor and Council.

Section 106.6.3 of the IFGC is deleted.

Section 109 of the IFGC is deleted in its entirety, and replaced with the following:

109.1 Administrative Appeals. Any person aggrieved by and desirous of challenging a decision of the administrative authority in connection with the interpretation, application, or modification of any provision of this chapter relating to the manner of construction or materials used in connection with the erection, alteration, or repair of a building or structure or system installed therein, shall appeal such decision to a Board of Adjustments and Appeals. An appeal may be taken when it is claimed that:

- (1) The true intent of the code or the rules legally adopted there under have been incorrectly interpreted; or
- (2) The provisions of the code do not fully apply; or
- (3) An equally good or better form of construction can be used.

109.2 Application for appeal. An appeal shall be filed with the City Clerk within seven (7) calendar days from the date of the administrative decision being appealed, and a copy thereof shall be submitted to the Chief of Inspection Services. The appeal shall be in writing and shall contain a detailed statement of the reasons in support of such appeal.

109.3 Membership.

109.3.1. Number. The Board of Adjustments and Appeals shall consist of three (3) persons:

- a) A licensed professional engineer or architect chosen by the administrative authority;
- b) A licensed professional engineer or architect chosen by the owner of the subject building or structure; and
- c) A licensed professional engineer or architect to be jointly chosen by the other two (2) members.

109.3.2 Compensation. All fees charged by the licensed professional engineers or architects to serve on the Board shall be paid for by the person appealing the administrative decision.

109.4 Meetings and Hearings. The Board of Adjustments and Appeals shall conduct a hearing on the appeal, at which time the appellant, the appellant's representative, representatives of the City who have inspected the subject building or structure or applicable system installed therein, and any other person having knowledge of the matter or whose interests may be affected by the decision on the appeal shall be given an opportunity to be heard. The hearing shall be conducted informally, and the formal rules of evidence shall not apply. The Board may accept written testimony and shall give it such weight as it deserves.

109.4.1 Interpretation. Interpretation given provisions of the applicable ICC or NFPA Code by the International Code Council or National Fire Protection Association shall be given great deference.

109.4.2 Actions. The Board may inspect the structure or building and conduct any other investigation or research necessary in order to render a decision.

109.5 Decision. The following process shall be followed:

- (1) Within fifteen (15) working days of the hearing, the Board shall affirm, modify or reverse the decision of the administrative authority.
- (2) The agreement of any two (2) members of the Board shall constitute the decision of the Board. Failure to obtain the agreement of any two (2) members of the Board shall constitute a denial of the appeal and an affirmation of the decision of the administrative authority. The Board's findings and decision shall be rendered in writing and copies thereof shall be provided to the appellant and any other party who has entered their appearance before the Board and requested a copy of the decision. The decision may contain recommendations for remedial steps to be taken to meet the intent of the applicable code.

109.6 Appeal. Any person aggrieved by a decision of the Board of Adjustments and Appeals may appeal the decision to the Circuit Court for the County in accordance with the Maryland Rules as set forth in Title 7, Chapter 200.

Section 411.1.3 of the IFGC is amended as follows:

411.1.3 Connector installation. Where appliances are equipped with casters or are otherwise subject to periodic movement or relocation for purposes such as routine cleaning and maintenance, such appliances shall be connected to the supply system piping by means of an approved flexible connector designed and labeled for the application. Such flexible connectors shall be installed and protected against physical damage in accordance with the manufacturer's installation instructions. Appliances shall be chained in place to limit movement to within six inches of the length of the flexible connector. Appliances requiring a fire protection system shall not be of the movable type.

Section 412.1 of the IFGC is amended as follows:

412.1 General. Motor fuel-dispensing facilities for LP-gas fuel shall be in accordance with this section NFPA 58 and the *International Fire Code*. The NFPA 58, NFPA 54 and NFPA 51 shall regulate the operation of LP-gas motor fuel-dispensing facilities.

Secs. 5-198 – 5-200. Reserved.

DIVISION 4. MISCELLANEOUS REQUIREMENTS

Sec. 5-201. Reserved.

Sec. 5-202. Work done by gas company.

Only duly authorized representatives of the gas company shall install, repair or open a gas main, service pipe or service extension; or set, remove or change the location of a gas meter, or do any work on any part of its distribution system up to and including the meter, except as provided in sections 5-183 and 5-185.

Sec. 5-203. License required; gasfitting work by unqualified person declared misdemeanor.

(a) No person shall engage in the business of gasfitting in the City unless licensed as a master plumber or gasfitter under the provisions of this division, or employed as a qualified mechanic of the gas company.

(b) No person shall engage in the business of gasfitting unless the work performed in the course of such business is under the direct supervision of a licensed master plumber or licensed gasfitter.

(c) Any person who shall perform any gasfitting work within the City which is not by or under the supervision of a licensee as provided in this section or otherwise qualified pursuant to section 5-241 shall be guilty of a misdemeanor.

Sec. 5-204. Qualifications; examinations.

(a) The administrative authority shall establish standards and procedures for the qualifications, and licensing of gasfitters. The administrative authority shall issue an appropriate license to each person who meets the qualifications thereof. The administrative authority shall keep an official record of all licenses issued.

(b) The administrative authority shall issue a gasfitter's license when an applicant presents a valid license issued by the State of Maryland Plumbing License Board, or a valid gasfitter's license issued by the Washington Suburban Sanitary Commission.

(c) No license shall be granted to any person under the age of twenty-one (21) years.

(d) The examination fee shall be as set by the agency approved by the administrative authority to give the examination.

Sec. 5-205. Fee.

A license shall be issued under this division to qualified applicants only upon payment of a fee in the amount established by resolution of the Mayor and Council.

Sec. 5-206. Term.

Licenses required by this division shall expire at the end of the calendar year for which they were issued.

Sec. 5-207. Bond.

A person who has been issued a gasfitter's license shall execute and deposit with the administrative authority a bond in the sum of five thousand dollars (\$5,000.00), or certificate of insurance with a minimum of three hundred thousand dollars (\$300,000.00) personal injury coverage and one hundred thousand dollars (\$100,000.00) property damage coverage. Such bond shall be conditioned that all gasfitting work performed by the licensee or under his supervision shall be performed in accordance with this article and that he will pay all fines and penalties properly imposed upon him for violation of the provisions of this article. A gasfitter's license shall not be valid unless a bond is executed and deposited as herein provided or specified insurance certificate presented. Individuals who hold a valid Maryland State Master Plumber's license are exempt from bond or insurance requirements.

Sec. 5-208. Use of licensee's name by another; change of address. etc.

No person who has obtained a gasfitter's license shall allow his name to be used by another person either for the purpose of obtaining permits, or for doing business or work under the license. Every person licensed shall notify the administrative authority of the address of his place of business, if any, and the name under which such business is carried on and shall give immediate notice to the administrative authority of any change in either.

Secs. 5-209 – 5-215. Reserved.